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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,441	07/25/2001	Masaharu Uchino	01447/LH	3048
1933	7590	07/11/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			NGUYEN, DUNG X	
220 5TH AVE FL 16			ART UNIT	
NEW YORK, NY 10001-7708			PAPER NUMBER	
			2638	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,441

Applicant(s)

UCHINO ET AL.

Examiner

Dung X. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 2 - 7 and 10 - 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/7/03, 2/25/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: PTO-1449 date 7/25/01.

Response to Arguments

1. Applicant's arguments filed on March 28, 2005 have been fully considered and are persuasive. The restriction(s) of the Office action filed on March 02, 2005 has been withdrawn. Claims 1 – 15 have been selected. Claims 16 – 21 have been canceled.

Claim Objections

2. Claim 1 is objected to because of the following informalities: the statement of “the characteristic of wander” as recited in line 17 should be changed to “a characteristic of wander”. Appropriate correction is required.

3. Claim 2 is objected to because of the following informalities: the statement of “signal generator” as recited in line 3 should be changed to “signal generators”. Appropriate correction is required.

4. Claim 8 is objected to because of the following informalities: the statement of “according to any claims 1 through 7” as recited in line 9 should be changed to “according to claim 1”. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. **Claims 1, 8, and 9 are rejected** under 35 U.S.C. 103(a) as being unpatentable over figure 50 admitted prior art by applicant, and further in view of Blazo (US patent # 5,742,208).

Regarding claim 1, figure 50 admitted as the prior art by applicant discloses a wander generator comprising random number generating means for sequentially generating a random number signal comprised of a plurality of bits at a constant rate in accordance with a predetermined algorithm (page 2, paragraph # 0028 of patent application publication # US 2003/0063662)..

While Blazo discloses (figure 2 and its description in column 6, lines 31 – 62) a jitter/wander generator, comprising:

- A random number generating means (52, column 5, lines 18 – 30);
- A filter unit (7) for receiving a sequence of random number signals output from random number generating means;
- Clock generating (80) means for generating a clock signal;
- Modulating (56) means for modulating the frequency of the clock signal by a signal output from the filter unit,

Figure 50 admitted as the prior art by applicant and Blazo differ from the instant claimed invention that they do not show the step of setting means for setting each amplitude value for a spectrum of signal sequence output from the filter unit such that a characteristic of wander of the clock signal having the frequency modulated by the modulating means matches a desired characteristic.

However, Blazo discloses a wander generator providing continuous generation of wander clock over the complete range of frequency variations and magnitudes of the wander standars (column 7, lines 11 – 15). From the preceding information, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine figure 50 admitted as the prior art by applicant and Blazo to provide the requirements of the instant claimed invention for providing a precision controlled output (column 6, lines 1 – 3 of Blazo).

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Regarding claim 8, the limitations are analyzed in the same manner set forth as claim 1, plus Blazo further discloses that the tester is configuring to output a test signal synchronized with a clock signal output from the wander generator (column 3, lines 41 – 47).

Regarding claim 9, the limitations are analyzed in the same manner set forth as claim 1, plus figure 50 admitted as prior art by applicant further discloses that center frequency information setting means for setting data for determining a center frequency of the clock signal and an adder (13) for adding data set by the center frequency information setting means to the fluctuating signal sequence generator unit, and it would have been obvious to one of ordinary skill in the art at the time of the invention was made to set a direct digital synthesizer for outputting a frequency signal corresponding to an output of the adder (13) (page 1, paragraph # 0017 of patent application publication # US 2003/0063662).

Allowable Subject Matter

7. **Claims 2 - 7 and 10 – 15 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent documents:

Ishibe et al. (US patent # 6,854,068 B2) discloses a wander generator having arbitrary TDEV mask characteristic setting apparatus.

Other Publications:

Bender et al., "The Power of Team Exploration: Two Robots Can Learn Unlabel Directed Graphs", 35th Annual Symposium on Foundation of Computer Science 1994 Proceedings

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Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung X. Nguyen whose telephone number is (571) 272-3010. The examiner can normally be reached on Monday through Friday from 8:00 AM to 17:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Vanderpuye Kenneth N. can be reached on (571) 272-3078. The fax phone numbers for this group is (571) 273-3021.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

DXN

June 20, 2005


KENNETH VANDERPUYE
PRIMARY EXAMINER